Department and Applicant:			City Council: 3-29-10
Community Development	Resolution No.	<u>10-99</u>	Planning Commission: 3-9-10
Case #MIS-10-001			

#### Subject/Title

Amend the *Two-Mile Limit Area Policy Agreement* between Pottawattamie County and the City of Council Bluffs to adopt a new map and service area locations resulting from annexation.

#### **Background/Discussion**

The *Two-Mile Limit Area Policy Agreement* between the City and County was first adopted in December 1995. The agreement was created to identify and define the administrative policies and responsibility for development regarding subdivision, zoning and annexation within the two-mile extraterritorial jurisdiction of the City. Subsequently, the agreement was amended in March 1998, November 1999, June 2002, June 2005, August 2005 and September 2007.

The two-mile limit area map expands concurrently with annexation. The 2005 Service Area map is included for reference. The 2010 Service Area Map – 'February 11, 2010 Amendment' shows the expanded 2 mile limit and the four corresponding service areas as described below.

<u>City Service Area I</u> - Development served by municipal utilities, which are constructed to City subdivision and design standards. Annexation is required. The County will approve zoning requests, not involving annexation.

<u>City Service Area II</u> – Development served by municipal water and septic systems or common sewage treatment plants, which are constructed to City subdivision and design standards. Annexation is also required. The County will approve zoning requests, not involving annexation.

<u>County Service Area I</u> – Development served by municipal water services and septic systems or common sewage treatment plants. Location of these properties is such that they are beyond a reasonable expectation of future annexation by the City. All zoning requests will be reviewed and approved by the County. County subdivision and design standards will be applied to regulate development.

<u>County Service Area II</u> - Development served by a combination of public/common water systems or individual private wells and septic systems or common sewage treatment plants. Location of these properties is such that they are beyond a reasonable expectation of future annexation by the City. All zoning requests will be reviewed and approved by the County. County subdivision and design standards will be applied to regulate development.

In addition to the land area extended due to the annexation, service area type changes are proposed for three areas.

- 1. Along the north boundary, City Service Area I which formerly extended the entire length shortened and changed to City Service Area II from west of the Interstate and extending east to connect to the existing City Service Area II.
- 2. On the east side, southeast of the airport, City Service Area I is moved a half mile farther east.
- 3. East of Valley View Drive, the area north of approximately Deer Run will be added to City Service Area I from City Service Area II.

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Case #MIS-10-001 Page 2

Both the City and the County Planning Commissions are considering the proposed map amendment to the adopted *Two Mile Limit Area Policy Agreement*. Those recommendations will be forwarded to the City Council and County Board of Supervisors respectively, for consideration and action.

#### Recommendation

The Community Development Department recommends amending the *Two-Mile Limit Area Policy Agreement* by adopting the 2010 Service Area Map - 'February 11, 2010 Amendment', as presented and forwarding the recommendation to the Pottawattamie County Board of Supervisors for their consideration.

#### **Public Hearing**

Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.

#### **Planning Commission Recommendation**

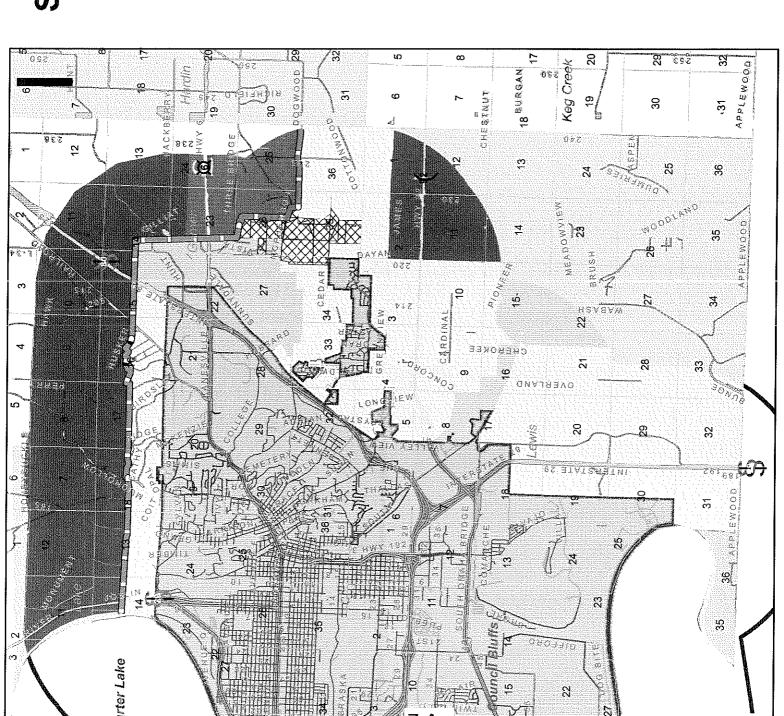
The Planning Commission recommends amending the *Two-Mile Limit Area Policy Agreement* by adopting the 2010 Service Area Map - 'February 11, 2010 Amendment', as presented and forwarding the recommendation to the Pottawattamie County Board of Supervisors for their consideration.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments: 2010 Service Area Map - 'February 11, 2010 Amendment' and 2005 Service Area Map

Prepared by: Gayle M. Malmquist, Development Services Coordinator

# Service Area Map 2005



City-County Jurisdictional Line

Airport

Legend

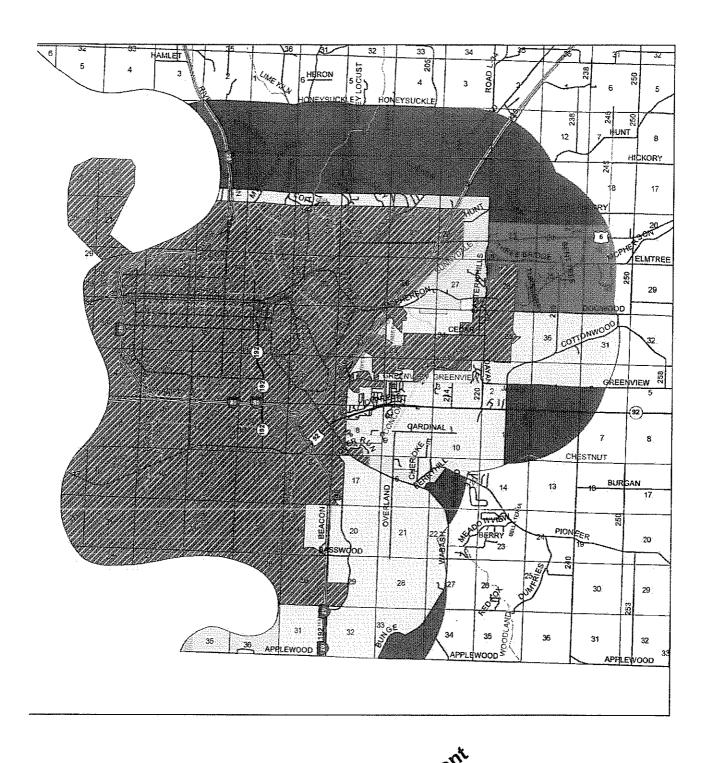
County Service Area II

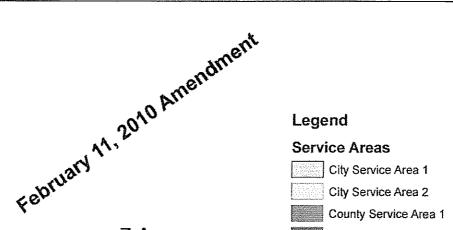
County Service Area I

City Service Area II

City Service Area I

### 2010 Service Area Map





#### **RESOLUTION NO. 10-99**

A RESOLUTION AMENDING THE TWO-MILE LIMIT AREA POLICY AGREEMENT BETWEEN POTTAWATTAMIE COUNTY AND THE CITY OF COUNCIL BLUFFS, TO ADOPT A NEW MAP AND SERVICE AREA LOCATIONS RESULTING FROM ANNEXATION.

whereas, the *Two-Mile Limit Area Policy Agreement* between the City and County was first adopted in December 1995. The agreement was created to identify and define the administrative policies and responsibility for development regarding subdivision, zoning and annexation within the two-mile extraterritorial jurisdiction of the City;

and

WHEREAS, amendments to this agreement were approved in March 1998, November 1999, June 2002, June 2005, August 2005, and September 2007; and

WHEREAS, the two-mile limit area map expands concurrently with annexation. The 2010 Service Area Map – "February 11, 2010 Amendment" shows the expanded two mile limit and the four corresponding service areas; and

**WHEREAS**, in addition to the land area extended due to the annexation, service area type changes are proposed for three areas:

- 1. Along the north boundary, City Service Area I which formerly extended the entire length shortened and changed to City Service Area II from west of the Interstate and extending east to connect to the existing City Service Area II.
- 2. On the east side, southeast of the airport, City Service Area I is moved a half-mile farther east.
- 3. East of Valley View Drive, the area north of approximately Deer Run will be added to City Service Area I from City Service Area II.

whereas, it is the recommendation of the Community Development Department and the Planning Commission to amend the *Two-Mile Limit Area Policy Agreement* by adopting the 2010 Service Area Map – "February 11, 2010 Amendment", as presented; and

**WHEREAS** the Community Development Department and the Planning Commission will forward their recommendation to the Pottawattamie County Board of Supervisors for their consideration.

## NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

The *Two-Mile Limit Area Policy Agreement* is hereby amended by adopting the 2010 Service Area Map – "February 11, 2010 Amendment", upon concurrence of the Pottawattamie County Board of Supervisors.

... -

ADOPTED AND APPROVED

March 29, 2010

THOMAS P. HANAFAN Mayor

Attest: MARCIA L. WORDEN

City Clerk

MIS-10-001

Department: Legal	Resolution No.	10-100	Council Action: 3/29/2010
Case/Project No.		<u> </u>	
Resolution authorizing the Ma Agreement from Pilot Travel ( of the State's tobacco laws.		er Accepting the	Acknowledgement/Settlement uncil Bluffs, Iowa, for a violation
citation being issued to an emp are pursuing civil penalties aga Travel Center LLC has made p	ployee of Pilot Travel Cainst the permit holder. payment of the \$300 performed by the prepared to the prepared	Center #329 for pr The civil penalty malty and has sub- ed authorizing the	fs Police Department resulted in a roviding tobacco to a minor. We wanted for a first violation is \$300. Pile mitted their Acknowledgement/ Mayor to execute the Order to ss.
Authorize the Mayor to execut Pilot Travel Center #329, 2647		the Acknowledge	ment/Settlement Agreement from the State's tobacco laws.
Don Bauermeister, Asst. City	Attorney		
Department Head Signature		Mayor Signature	

**-** -

#### RESOLUTION NO. 10-100

A RESOLUTION authorizing the Mayor to execute the Order Accepting the Acknowledgement/ Settlement Agreement from Pilot Travel Center #329 for a violation of Iowa Code Section 453A.2(1).

WHEREAS, the State of Iowa has enacted a comprehensive program aimed at reducing underage tobacco use; and

WHEREAS, compliance checks in Council Bluffs resulted in a citation being issued to an employee of Pilot Travel Center #329, 2647 South 24<sup>th</sup> Street, on or about January 14, 2010; and

WHEREAS, the mandatory civil penalty has been paid, and it is in the best interest of the City to execute the Order Accepting the Acknowledgement/Settlement Agreement.

#### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized to execute the Order Accepting the Acknowledgement/ Settlement Agreement from Pilot Travel Center #329, 2647 South 24<sup>th</sup> Street, for a violation of Iowa Code Section 453A.2.

	ADOPTED AND APPROVED	March 29, 2010
	THOMAS P. HANAFAN	Mayor
Attest:	MARCIA L. WORDEN	City Clerk

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## BEFORE THE CITY COUNCIL FOR THE CITY OF COUNCIL BLUFFS, IOWA

IN RE:			
Pilot Travel Center #329 2647 South 24 <sup>th</sup> Street Council Bluffs, IA 51501	ORDER ACCEPTING ACKNOWLEDGEMENT/SETTLEN AGREEMENT	MENT	
ON this 29th day of March, 2	2010, in lieu of a public hearing on the matter, th	ne City	
Council approves the attached Ackn	owledgement/Settlement Agreement between the	e above-	
captioned permittee and the City of	Council Bluffs, Iowa.		
THEREFORE, the City Cou	ncil for the City of Council Bluffs, Iowa, FINDS	that the	
above-captioned permittee has remitted to the City of Council Bluffs, Iowa, a civil penalty in the			
amount of three hundred dollars (\$300.00). Be advised that this sanction will count as a first			
violation of Iowa Code Section 453A	A.2(1), pursuant to Iowa Code Section 453A.22(2	2)(a).	
IT IS THEREFORE ORDER	RED that the judgment in this matter is hereby sa	tisfied.	
	THOMAS P. HANAFAN	Mayor	

Attest:

MARCIA L. WORDEN

City Clerk

Department: Parks, Recreation and Public Property	Ordinance No.		
Case/Project No.	Resolution No.	<u>10-101</u>	Date: March 29, 2010
Applicant: Larry N. Foster			

#### Subject/Title

For City Council consideration is a resolution awarding a contract in the amount of \$431,500.00 to Construct, Inc., for the Renovation and Rehabilitation of the HVAC Systems at the Community Hall/Central Fire Station and the Library Project.

#### Background/Discussion

On May 11, 2009, the City Council authorized the Department of Parks, Recreation and Public Property to submit an application for an Energy Efficiency and Conservation Program grant. This grant request was eventually approved.

Thereafter, on November 9, 2009, the Council authorized an agreement with BVH Architects to prepare plans, specification and bid documents for the individual work elements included in this grant funded project.

In accordance with the grant requirements, the initial project elements included various HVAC renovations/rehabilitations within the Community Hall/Central Fire Station and the Public Library. In the Community Hall/Central Fire Station, the individual project items included renovation/replacement of the temperature control system, the boiler, the unit ventilator and an upgrade of the air distribution system. The Library work items include variable frequency controls, demand temperature controls and space sensor control. The project's objective was to increase the energy efficiency of these facilities.

On February 8, 2010, the Council approved the plans, specifications, bid documents and contracts and set a bid date of March 9, 2010, at 10:00 a.m. The following are the companies and their bids:

<u>Company</u>	Base Bid	Total w/ 4 Alternates
Construct, Inc.	\$431,500.00	\$464,950.00
Lueder Construction Co.	\$440,000.00	\$476.600.00
Ronco Construction Co.	\$444,400.00	\$479,700.00
Anderson Construction Co.	\$448,479.00	\$483,069.00
DR Anderson Contractors	\$464,400.00	\$497,300.00
Engineers Estimate	\$417,000.00	estimate on alternates not provided

Funding for the project elements outlined in the plans, specifications and bid documents, as well as all other project costs will be paid from the following sources:

- EECP Grant \$571,500.00
- Mid-American Energy Grant \$5,000.00
- City In-Kind Labor \$19,500.00
- 08-09 CIP Project #09-04-BF (City Hall Windows) \$216,260.00

The low bid exceeds the engineers estimate by \$14,500.00 (3.4%). The Department has reviewed possible reasons for the bid exceeding the estimate and determined these reasons include; 1.) at the final design stage, due to the condition of the hot/cold deck coils, the replacement of these items was moved from being bid as an alternative to being included in the base bid and the engineers estimate was not

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revised to include this additional work; 2.) the contractors time/effort associated with management of Davis/Bacon wage requirements appears to be greater than estimated; 3.) the cost of some of the contrunits is greater then anticipated. The Finance Director has agreed, should this overage not be recovered through the bidding of future elements of this project, these additional funds will be provided from funding substitutions with other Department projects.		
	Recommendation uncil adopt the resolution awarding Construct, Inc., the contract for the HVAC Systems at the Community Hall/Central Fire Station and the 431,500.00.	
Larry N. Foster	Thomas P. Hanafan	

- -

#### **RESOLUTION NO. 10-101**

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT AND AWARD BID TO CONSTRUCT, INC., FOR THE RENOVATION AND REHABILITATION OF THE HVAC SYSTEMS AT THE COMMUNITY HALL/CENTRAL FIRE STATION AND THE LIBRARY PROJECT.

- WHEREAS, the City of Council Bluffs desires to renovate and rehabilitate the HVAC Systems at the Community Hall/Central Fire Station and the Library; and
- WHEREAS, on February 8, 2010, Council approved the plans, specifications and form of contract for the Renovation and Rehabilitation of the HVAC Systems at the Community Hall/Central Fire Station and the Library Project; and
- WHEREAS, on March 9, 2010 bids were received; and
- WHEREAS, Construct, Inc., has submitted a low bid in the total amount of \$431,500.00; and
- WHEREAS, the City Council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

#### NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute a contract with Construct, Inc., for the Renovation and Rehabilitation of the HVAC Systems at the Community Hall/Central Fire Station and the Library Project.

ADOPTED AND APPROVED	March	1 29, 2010
Thomas P. Hans	afan	Mayor
Attest:		
Marcia L. Worde	en	City Cle

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Department: Parks, Recreation and Public Property	Ordinance No.				
Case/Project No.	Resolution No.	<u>10-102</u>	Date:	March 29, 2010	
Applicant: Larry N. Foster		AMAN AND AND AND AND AND AND AND AND AND A		.,	

#### Subject/Title

Council approval of American Fence Co. as contractor for the Bahnsen Park Improvements Phase I - Fencing Project.

#### **Background/Discussion**

Over the past several years, increased interest in the City's baseball/softball programs has resulted in the use of the existing game quality fields, at the Recreation Complex, approaching a maximum participation level. As a result, in order to accommodate the demand, the Parks and Recreation Department has increased the game play use on the existing Bahnsen Ball Field Complex.

In order to accommodate this increased use and further anticipated growth, it has become clear that improvements are necessary at the Bahnsen Complex. This is required to provide the level of facility appropriate for today's league and tournament play.

In order to insure the proper rehabilitation to the complex, the Department initiated a Master Plan to determine the scope and scale of the needed field improvements.

This Master Plan proposes fencing improvement, repairs to deteriorated walkways and selected concrete areas, backstop repairs, installation of an agri-lime infield surface, replacement of the sub-standard outfield fence, outfield irrigation, parking lot surface improvements and improved signage and entrance elements. This Master Plan was approved by the Council Bluffs Parks, Recreation and Public Property Commission on March 9, 2010.

The fencing improvements associated with this Resolution are outlined in the Master Plan. Specifially, the improvements include repairs to the existing fencing and backstop, extending sections of the sideline fencing and replacing the substandard 42" outfield fence with an 8' high fence.

The following are the bids received for this project:

Company Base Bid American Fence Co. \$37,089.02 Elkhorn Fence Co. \$37,587.40 \$&W Fence \$42,693.00

The Engineer's estimate for construction is \$41,069.60.

Funding for this project will be provided by GO Bonds programmed for the Parks and Recreation Projects, in the 09-10 CIP, Project #10-05-PR.

#### Recommendation

Recommendation to City Council to approve American Fence Company for fencing for the Bahnsen Park Improvement Phase I – Fencing Project.

Larry N. Foster	Thomas P. Hanafan

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#### RESOLUTION NO. 10-102

## A RESOLUTION APPROVING THE LOW BID FROM AMERICAN FENCE COMPANY FOR THE BAHNSEN PARK IMPROVEMENT PHASE I - FENCING PROJECT IN THE AMOUNT OF \$37,089.02.

WHEREAS, the City of Council Bluffs desires to repair the fencing at Bahnsen Park; and

WHEREAS, HGM Associates, Inc., were hired to develop a Master Improvement Plan; and

WHEREAS, bids were sent out and American Fence Company has submitted the low bid of \$37,089.02 for the project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the City Council approve American Fence Company as the contractor for the work needed to replace fencing at Bahnsen Park.

ADOPTED AND APPROVED	Marc	<u>sh 29, 2010</u>
Thomas P. Han	afan	Mayor
Attest:		
Marcia L. Word	en	City Clerk

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Departm	ent: Human Resources				
Case/Pro	ject No.	Ordinance No. Resolution No.	<u>10-103</u>	Council Action: <u>3/29/2010</u>	
Applican	t: Cindy Lynch				
		0.11	. 6 m . 6 . 5		
	Aŗ	Subject proval of New Perso		nual	
		D 1 1	m: .		
Since the changes	Background/Discussion The current Personnel Policies manual was adopted by the City Council on July 29, 1992. Since that time only a few minor changes have been made to coincide with benefit changes. A careful review of the manual reveals that we have reached a point where there are sufficient changes and additions needed to justify the adoption of a new manual.				
Reason	s for this update inclu	de:			
<ol> <li>Changes in federal and state laws including the Fair Labor Standards Act (FLSA), Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA); drug and alcohol testing for employees required to have Commercial Driver's Licenses under DOT regulations; military leave provided by the Iowa Code;</li> <li>Changes in operating procedures that have evolved over time;</li> <li>Clarifications where language was found to be unclear;</li> <li>Benefit changes adopted by Council but not incorporated into the Personnel policies.</li> </ol>					
It is noteworthy that the new Personnel Policy Manual has been reviewed by all of the department heads and I have worked closely with Asst. City Attorney, Tamara Madsen, to make sure the changes consistent with state and federal laws. The City's four unions have also been given an opportunity to review and comment on the proposed policy manual changes.  In order to effectuate this revision of the City Personnel Policies, the City Council is only					
required to adopt the prepared resolution.					
		D	ndatio-		
	Recommendation In order to effectuate this revision of the City Personnel Policies manual, the City Council is asked to adopt the prepared resolution				
Department Head Signature Mayor Signature					

**-** -

#### **RESOLUTION NO. 10-103**

A resolution adopting a revision of the Personnel Policies Manual.

WHEREAS, the last major revision of the City Personnel Rules occurred in 1992; and,

WHEREAS, changes in Federal and State Law dictate that our current personnel rules must be made current;

WHEREAS, a number of operational changes have been made that need to be reflected in the City's Personnel Policies manual and,

WHEREAS, said changes are deemed to be in the best interest of the City of Council Bluffs, Iowa;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

That the proposed revision to the City Personnel Policies are hereby adopted and that any policies, regulation, or procedures previously adopted by this Council and in conflict herewith are superseded by this latest revision.

Adopted And Approved	March 29, 2010
Thomas P. Hanafan	Mayor
Attest	
Marcia L. Worden	City Clerk

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#### COUNCIL COMMUNICATION

Department: Public Works Ordinance No. First Reading March 29, 2010

Case/Project No.: FY11-12 Resolution No.10-104

Applicant: Matthew Cox, City Engineer

#### SUBJECT/TITLE

Council consideration of a resolution accepting the bid of R. D. Blue Construction, Inc. in the amount of \$1,267,047.07 for the South 1<sup>st</sup> Neighborhood Rehab Phase I. Project # FY11-12.

#### BACKGROUND/DISCUSSION

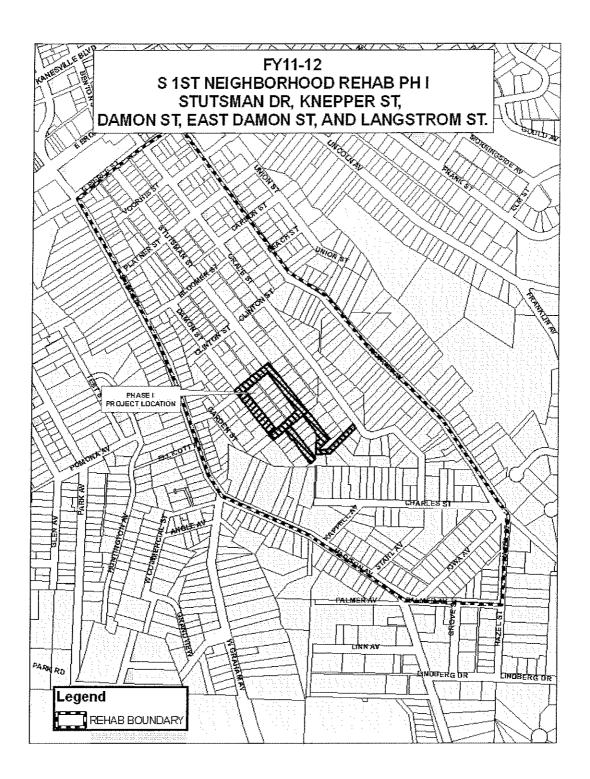
• On March 11, 2010, bids were received in the City Clerk's office as followed:

	Division I	Division II	Division III	Division IV	Division V	
	<u>General</u>	<u>Pavement</u>	Storm Sewer	Sani. Sewer	Water Main	<u>Total</u>
R. D. Blue Construction	\$161,064.57	\$501,870.00	\$155,015.50	\$207,617.00	\$241,480.00	\$1,267,047.07
Leazenby Construction	\$216,921.07	\$510,014.84	\$142,612.19	\$216,454.06	\$192,171.17	\$1,278,173.33
Carley Construction, LLC	\$247,344.25	\$498,862.50	\$144,739.40	\$217,661.75	\$222,990.91	\$1,331,598.81
Tab Construction	\$257,193.00	\$781,625.25	\$155,268.55	\$168,591.63	\$263,046.53	\$1,625,724.96
MFT Construction	\$292.853.55	\$719,950.58	\$253,757.31	\$294,870.85	\$285,134.85	\$1,846,567.14
Engineer's Opinion	\$206,510.00	\$385,155.00	\$126,165.00	\$179,170.00	\$188,548.50	\$1,085,548.50

- The South 1<sup>st</sup> Street neighborhood bounded by Pierce St on the north, Palmer Avenue on the south, 1<sup>st</sup> Street on the west and Franklin Ave on the east consists of some of the original town subdivision within the city
- Records indicate that the infrastructure in this area dates back prior to the 1950's and is in need of replacement
- Storm sewers are undersized, sanitary sewers are leaking and broken and the pavements are in poor condition.
- Completed neighborhood study generated eight phases over several years to replace and upgrade the aged infrastructure.
- Phase I is Stutsman Dr., Knepper St., Damon St., East Damon St., and Langstrom St. Scope of work includes replacing sanitary sewer, storm sewer, water main, and pavement. Water main cost will be reimbursed by the Water Works.
- This is project FY11-12 in the CIP and is funded with \$1,000,000 in G.O. Bonds and the balance with sales tax.

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	RECOMMENDATION
	Approval of this resolution

Greg Reeder, Public Works Director



#### RESOLUTION NO 10-104

#### RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH R. D. BLUE CONSTRUCTION, INC. FOR THE SOUTH 1<sup>ST</sup> NEIGHBORHOOD REHAB PHASE-I FY11-12

WHEREAS,

the plans, specifications, and form of contract for the

South 1st Neighborhood Rehab. - Phase I are on file in the

office of the City Clerk; and

WHEREAS,

a Notice of Public Hearing was published, as required by law, and a public hearing was held on February 8, 2010, and the plans, specifications and form of contract were

approved; and

WHEREAS,

R. D. Blue Construction, Inc. has submitted a low bid in the

amount of \$1,267,047.07 for this contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the bid of R. D. Blue Construction, Inc. in the amount of \$1,267,047.07 is hereby accepted as the lowest and best bid received for said work; and

#### BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the South 1st Neighborhood Rehab – Phase I; and

#### BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with R. D. Blue Construction, Inc. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

ADOPTED
AND
APPROVED

March 29, 2010

,		
	Thomas P. Hanafan,	Mayor
ATTEST:		
	Marcia L. Worden,	City Clerk

#### COUNCIL COMMUNICATION

Department: Public Works Ordinance No. First Reading March 29, 2010

Case/Project No.: <u>FY08-06B</u> Resolution No.<u>10-105</u>

Applicant: Matthew Cox, City Engineer

#### SUBJECT/TITLE

Council consideration of a resolution accepting the work of Godbersen-Smith Construction Company as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the Parkwood Circle Structure over Indian Creek. Project # FY08-06B.

#### BACKGROUND/DISCUSSION

- This bridge was originally built in 1960 and was in very poor structural condition. It had already undergone structural modifications for support and total replacement of the bridge was required.
- The bridge replacement was eligible for HBRR federal aid. This funding was available on a statewide competitive basis. Bridges are inspected, evaluated, and scored on deficiencies. In 2007, six (6) bridges across the state qualified for funding.
- The bridge was replaced with a 12 ft. x 22 ft. x 104 ft. box culvert. This box design will be used to eventually replace the existing open top channel along North Broadway.
- This project was programmed in the CIP as project FY08-06B. Construction was funded 80% Federal Bridge Funds with city match from Sales Tax.

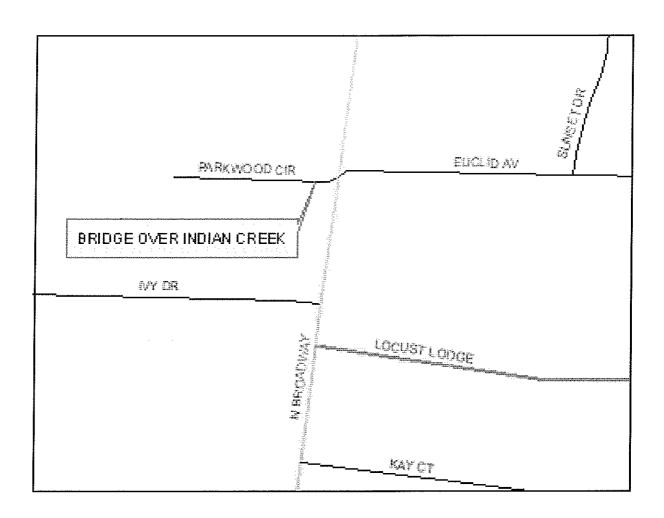
Original contract amount	\$502,364.94
Change Orders (5.07%)	\$ 25,475.64
Final contract amount	\$527,840.58
Less previous payments	\$512,005.36
Retainage due contractor	\$ 15,835.22

Contract was completed on August 31, 2009 and the contractor received one non-compliance notice.

	RECOMMENDATION	
Approval of this resolution.		
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Greg Reeder, Public Works Director

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#### RESOLUTION NO <u>10-105</u>

## RESOLUTION ACCEPTING THE WORK OF GODBERSEN-SMITH CONSTRUCTION CO. IN CONNECTION WITH THE PARKWOOD CIRCLE STRUCTURE OVER INDIAN CREEK AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE A CITY CHECK IN THE AMOUNT OF \$15,835.22 FY08-06B

WHEREAS,	agreement with Godb	Bluffs, Iowa, entered into an oersen-Smith Construction Co., Io cle Structure Over Indian Creek;	
WHEREAS,	improvements in acco	Illy completed the construction of ordance with the terms and condi- clans and specifications filed with	tions
WHEREAS,		ment in the amount of \$15,835.2 Construction Co. has been submit t; and	
WHEREAS,	final payment is due	30 days after acceptance of the w	ork; and
WHEREAS,	and does believe that	c City of Council Bluffs has been said \$15,835.22 constitutes a val and should in its best interest be	id
	` BY	EREFORE, BE IT RESOLVED THE CITY COUNCIL OF THE COUNCIL BLUFFS, IOWA	
Said improvements	are hereby accepted as havin	g been fully completed in accord	ance with plans and specifications.
	AND BE	IT FURTHER RESOLVED	
		d directed to issue a city check in get code G21600-676300. Project	the amount of \$15,835.22 payable t #00291.
	A	OPTED ND PROVED	March 29, 2010
		Thomas P. Hanafan,	Mayor
	ATTEST:	Marcia L. Worden,	City Clerk

#### **COUNCIL COMMUNICATION**

Department: Public Works	Ordinance No	First Reading	March 29, 2010
Case/Project No.: FY10-13	Resolution No.10-106	_	
Applicant: Matthew Cox, City Engineer			

#### SUBJECT/TITLE

Council consideration of a resolution accepting the bid of MFT Construction, Inc. in the amount of \$1,270,710.53 for the So. 24<sup>th</sup> Street Improvements – Phase I from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue. Project #FY10-13.

#### BACKGROUND/DISCUSSION

On March 16, 2010, bids were received in the office of Iowa Department of Transportation as followed:

MFT Construction, Inc., Council Bluffs, IA	A. \$1,270,710.53 B. <u>\$ 247,000.00</u> \$1,517,710.53	(95 Days)
Cedar ValleyCorp., Waterloo, IA	A. \$1,467,479.93 B. <u>\$ 247,000.00</u> \$1,714,479.93	(95 Days)
Charles Vrana & Sons, Omaha, NE	A. \$1,525,832.51 B. \$234,000.00 \$1,759,832.51	(90 Days)
Bluffs Paving & Utility Co., Crescent, IA	A. \$1,759,662.48 B. \$\frac{221,000.00}{\$1,980,662.48}	(85 Days)
Leazenby Construction, Council Bluffs, IA	A. \$1,797,391.84 B. \$\frac{\$247,000.00}{\$2,044,391.84}	(95 Days)
Carley Construction, LLC, Treynor, IA	Irregular	
Engineer's Opinion	A. \$1,395,172.20 B. <u>\$ 247,000.00</u> \$1,642,172.20	(95 Days)

- This project was prepared with special provisions for A + B bidding procedures.
- The "A" portion of the bid is the total base bid for all contract work items. The "B" portion of the bid is the bidder's proposed number of calendar days to substantially complete the identified portion of work multiplied by the daily road user cost.
- The "B" portion can be an incentive or disincentive depending on whether the contractor substantially completes the work before or after the number of calendar days bid.
- The basis of contract award is the sum of A + B, however, the contract award amount is the "A" portion.

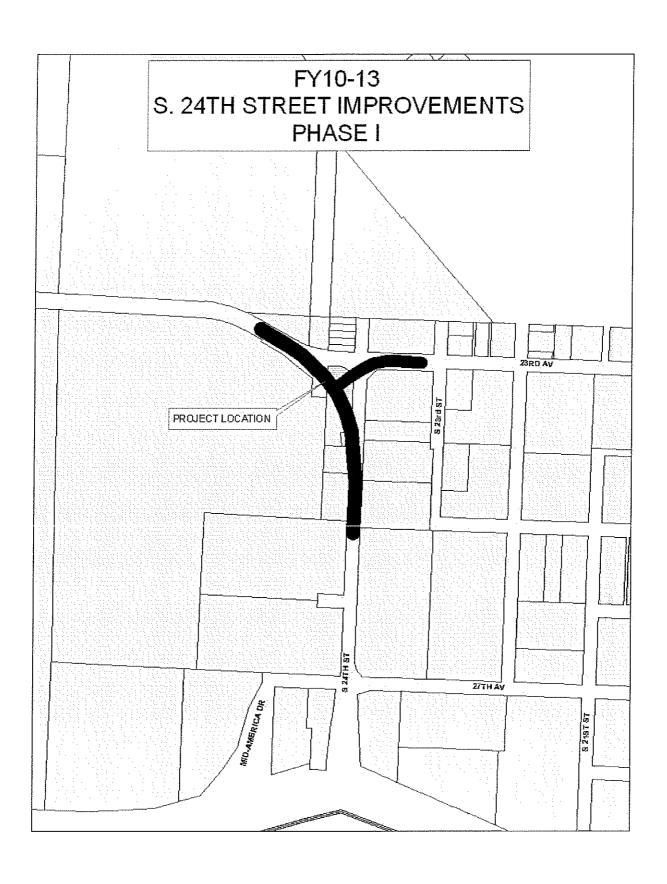
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#### **BACKGROUND/DISCUSSION**

- For this project the contractor bid 95 days and the daily road users costs were determined to be \$2,600 per day. The incentive/disincentive for this project is \$2,600 multiplied by the number of days prior to or after the 95 calendar days bid.
- The total base bid for this project is \$1,270,710.53.
- So. 24<sup>th</sup> Street is a major arterial with 2002 traffic counts of 15,000 vehicles per day.
- Developments such as the Star Cinema, MidAmerica Center, Bass Pro and the Bluffs Run expansion generate significant amounts of additional traffic.
- The existing pavement is four lanes wide and is in poor condition. It was originally constructed in 1970.
- The proposed project will reconstruct So. 24<sup>th</sup> Street with 5 lanes from the north property line of Sapp Brothers north to 23<sup>rd</sup> Ayenue.
- The additional lanes and new alignment required acquisition of right-of-way primarily along the west side of the existing 24<sup>th</sup> Street roadway. Due to right-of-way issues the project is being undertaken in Phases, this being Phase I.
- The project is identified as FY10-13 in the CIP and has a budget of \$1,200,000 in Federal Congestion Management and Quality (CMAQ) funds and \$300,000 in sales tax funds for a total budget of \$1,500,000.
- Phase I will be constructed in the summer of 2010.

	RECOMMENDATION	
Approval of this resolution		

Greg Reeder, Public Works Director



#### COUNCIL COMMUNICATION

Department: Public Works	Ordinance No	First Reading	March 29, 2010
Case/Project No.: FY10-13	Resolution No. 10-106		
Applicant: Matthew Cox, City Engineer			

#### SUBJECT/TITLE

Council consideration of a resolution accepting the bid of MFT Construction, Inc. in the amount of \$1,270,710.53 for the So. 24<sup>th</sup> Street Improvements – Phase I from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue. Project #FY10-13.

#### BACKGROUND/DISCUSSION

• On March 16, 2010, bids were received in the office of Iowa Department of Transportation as followed:

MFT Construction, Inc., Council Bluffs, IA	A. \$1,270,710.53 B. \$\frac{\$247,000.00}{\$1,517,710.53}	(95 Days)
Cedar ValleyCorp., Waterloo, IA	A. \$1,467,479.93 B. <u>\$ 247,000.00</u> \$1,714,479.93	(95 Days)
Charles Vrana & Sons, Omaha, NE	A. \$1,525,832.51 <u>B.</u> \$ 234,000.00 \$1,759,832.51	(90 Days)
Bluffs Paving & Utility Co., Crescent, IA	A. \$1,759,662.48 B. <u>\$ 221,000.00</u> \$1,980,662.48	(85 Days)
Leazenby Construction, Council Bluffs, IA	A. \$1,797,391.84 B. <u>\$ 247,000.00</u> \$2,044,391.84	(95 Days)
Carley Construction, LLC, Treynor, IA	Irregular	
Engineer's Opinion	A. \$1,395,172.20 B. <u>\$ 247,000.00</u> \$1,642,172.20	(95 Days)

- This project was prepared with special provisions for A + B bidding procedures.
- The "A" portion of the bid is the total base bid for all contract work items. The "B" portion of the bid is the bidder's proposed number of calendar days to substantially complete the identified portion of work multiplied by the daily road user cost.
- The "B" portion can be an incentive or disincentive depending on whether the contractor substantially completes the work before or after the number of calendar days bid.
- The basis of contract award is the sum of A + B, however, the contract award amount is the "A" portion.

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#### **BACKGROUND/DISCUSSION**

- For this project the contractor bid 95 days and the daily road users costs were determined to be \$2,600 per day. The incentive/disincentive for this project is \$2,600 multiplied by the number of days prior to or after the 95 calendar days bid.
- The total base bid for this project is \$1,270,710.53.
- So. 24<sup>th</sup> Street is a major arterial with 2002 traffic counts of 15,000 vehicles per day.
- Developments such as the Star Cinema, MidAmerica Center, Bass Pro and the Bluffs Run expansion generate significant amounts of additional traffic.
- The existing pavement is four lanes wide and is in poor condition. It was originally constructed in 1970.
- The proposed project will reconstruct So. 24<sup>th</sup> Street with 5 lanes from the north property line of Sapp Brothers north to 23<sup>rd</sup> Avenue.
- The additional lanes and new alignment required acquisition of right-of-way primarily along the west side of the existing 24<sup>th</sup> Street roadway. Due to right-of-way issues the project is being undertaken in Phases, this being Phase I.
- The project is identified as FY10-13 in the CIP and has a budget of \$1,200,000 in Federal Congestion Management and Quality (CMAQ) funds and \$300,000 in sales tax funds for a total budget of \$1,500,000.
- Phase I will be constructed in the summer of 2010.

Approval of this resolution	RECOMMENDATION

Greg Reeder, Public Works Director

Department: Finance/Purchasing Case/Project No.	Ordinance No. Resolution No.	<u>10-107</u>	Council Action: <u>3/29/2010</u>							
Applicant.										
Subject/Title										
Purchase Toro Reelmaster 5410-D mower and accessories										

#### Background/Discussion

On March 9, 2010 the Council Bluffs Parks, Recreation and Public Property Department received a quotation from Midwest Turf & Irrigation of Omaha, NE, the local authorized dealer for a Toro Reelmaster 5410-D mower of \$40,616.30, at a savings of \$11,322.70 off suggested retail price. Midwest Turf & Irrigation prepared the quote in accordance with a National Intergovernmental Purchasing Alliance contract.

National IPA pricing negotiated by the City of Tucson, AZ for a 5 year term from 10/15/2007 through 10/14/2010 provides a 21.8% discount off current year MSRP on traction units and 20.5% off accessories.

Pricing negotiated by the lowa DOT 5/17/2006 through 12/31/2010 provides a discount of 21% off current year MSRP.

Midwest Turf and Irrigation also offered a trade value of \$1000.00 on a 1999 John Deere mower, reducing the total cost of the equipment to \$39,616.30. I have included documentation from both National IPA and State of lowa Department of Transportation Multiple Award Contracts (pages 1 & 11 of IDOT list attached; discount shown on page 11) showing discounts, as well as the quote Midwest Turf & Irrigation quote which also shows regular municipal pricing. Parks, Recreation and Public Property currently have ten (10) Toro mowers in the fleet today.

#### Recommendation

It is the recommendation of the Purchasing Division that the City accept this quotation and purchase this mower with accessories as the equipment to be traded is on the Fleet Maintenance list for replacement in 2010. This action is deemed to be in the best interests of the City.

Funds for this purchase will be covered by the Parks, Recreation and Public Property Department's capital equipment budget.

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### Midwest Turf & Irrigation



14201 CHALCO VALLEY PARKWAY • OMAHA, NE 68138-6193 (402) 895-8900 • FAX (402) 895-8913

March 9, 2010

Dodge Park Golf Course John Batt 2 Harrahs Blvd Council Bluffs, IA 51503 Fax 712-322-3021

John,

Below, please find pricing on the Reelmaster 5410-D.

Item	Description	Suggested List	Municipal Price	National IPA Pricing
03670	Reelmaster 5410-D	\$36,054.00	•	
03661(5)	8 Bladed DPA Cutting Units	\$13,325.00		
03668(5)	Powered Roller Brushes	\$2,560.00	المعتبلة والمعتبرات المستدر والراجو والمهرود	
		\$51,939.00	\$42,533.00	\$40,616.30

Trade-In Value of the John Deere 3215A

\$1,000.00

Note: The National IPA is a low bid cooperative purchasing agreement available to public entities. It offers lower cost plus time and resource savings to participating agencies.

If I can be of further assistance, please call.

Sincerely,

Dan Parr, Commercial Turf Sales

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Count on it.

## Parks and Golf Grounds Maintenance Equipment

Competitively Solicited and Awarded by: City of Tucson, AZ

#### **Discount Structure:**

- Products purchased with a traction unit: 21.8% discount off of Toro
  Commercial current year MSRP
  - Attachments, accessories sold without a traction unit: 20.5% discount off Toro Commercial current year MSRP

#### **Smart Value Program:**

In addition to the discount off of Toros Commercial list price, this agreement offers the Smart Value Program, a volume incentive program. Agencies will receive their choice of Toro Commercial Division goods. This may allow for Toro® Protection Plus, additional attachments, or even a complete unit.

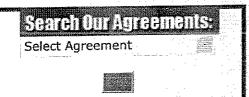
For additional information, contact your local Toro Commercial distributor. To find your local distributor, click here.

National Intergovernmental Purchasing Alliance Company 1600 Westgate Circle, Suite 275, Brentwood, TN 37027 Toll-Free (866) 408-3077 | info@nationalipa.org













Count on it.

# Parks and Golf Grounds Maintenance Equipment

Competitively Solicited and Awarded by: City of Tucson, AZ

#### **Contract Highlights:**

- Five year term starting October 15, 2007 (one year with 4 one-year renewals)
- Current renewal effective through October 14, 2010
- National aggregate pricing resulting in immediate cost savings opportunities
- Discount on equipment, attachments and accessories
- Award includes Commercial, Landscape Contractor, and Compact Utility products
- "Smart Value Program" volume incentive program that in addition to the discount off Toro's Commercial list price, agencies can receive their choice of any of the Toro contract products

National Intergovernmental Purchasing Alliance Company 1600 Westgate Circle, Suite 275, Brentwood, TN 37027 Toll-Free (866) 408-3077 | info@nationalipa.org

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Column   C	Awar Compact Hills Tracker	Agro	ST Senes	22.5 to 51.2 Gross HP	П	1	T.	SCO Corporation	Eric Raspen
Column   C	dower Pull or 3-Pohd	Agco	GT Series	44 to 74 PTO HP	1		3	CO Corporation	Eric Raspen
Column   C	Nower Pull or 3-Point	Agco	RC200, RC300,& RC500	48" 10 72"				GCO Corporation	Eric Raspen
Column   C	Nower Towed Type	Agco	RC5010, RC5015, RC5115	10' to 15'	29.0% \$650		-	CO Corporation	Eric Raspen
Column   C	ingw Biower	Agco	SESSOA & SESSOA	50" & 63"	20.0% \$300			3CO Corporation	Enc Raspen
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	Implements - 3 pt. 5	Agco	ST Series	22.5 to 51.2 Gross HP	29.0% \$675		1 1	SCO Corporation	Eric Raspen
The color	Implements - 3 pt. I	Agco	F Series	60" to 84"	29.0% \$300			GO Corporation	Eric Raspen
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March   Marc	Implements .	Agoo	OH Series	54" (c 66"	29.0% \$300	-			Enc Raspens
Major   Project   Major   Ma	Tractor implements - Landscape Rake	Agco	LR Series	60" to 98"	29.0% \$300				Eric Raspens
March   Marc	Tractor Implements - Loaders	Ago	SL LORGERS		29.0% \$800 29.0% \$800	-			Eric Raspens
March   Marc	ractor implements - folia Mount Mowers		FL Loaders SM Series	54" 10 72"	29.0% \$850				Eric Raspens
Part	Tactor Implements - Pull Type Mowers Tactor Implements - Rotary Broom	***************************************	RC5010, RC5015, RC5115	10 to 15	29.0% \$650				Eric Raspens
Column   C	Tractor Implements - Retary Tillers		T Series	48° to 72°	1	-		GCO Corporation	Enc Raspens
Access   A	Tractor Mowing		ST Series	22.5 to 51,2 Gross MP				GCO Corporation	Eric Raspens
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Appa	Tractor Mowing		RT Series	100 to 155 PTO HP		\$3.00		GCO Corporation	Eric Raspens
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Subbata   Steal   Inno Toolcat   Steal   Ste	Athletic Field & Turf Equipment	Bubcat		46 HP		- [	N/A	n State Company	Steve Cutfort
Equipment         Bolocal         233         3.3 HP         30.0%         \$0.00         N/A         N/A         N/A         Bolocal Company           Equipment         Bolocal         225         27.7 HP         30.0%         \$0.00         N/A         N/A         Bolocal Company           Equipment         Bolocal         331         40 HP         30.0%         \$0.00         N/A         N/A         Bolocal Company           Equipment         Bolocal         331         40 HP         30.0%         \$0.00         N/A         N/A         Bolocal Company           Equipment         Bolocal         331         40 HP         30.0%         \$0.00         N/A         N/A         Bolocal Company           Equipment         Bolocal         331         40 HP         30.0%         \$0.00         N/A         N/A         Bolocal Company           Equipment         Bolocal         331         40 HP         30.0%         \$0.00         N/A         N/A         Bolocal Company           Equipment         Bolocal         331         43 HP         30.0%         \$0.00         N/A         N/A         Bolocal Company           Equipment         Bolocal         435         43 HP         30.0%	Commercial Equipment	Bobcat		56 Hp			N/A	obcal Company	Mike Kotzbac
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Purchase Toro Reelmaster 5410-D mower and accessories										
	Subjec	:t/Title								
 - No. 10. 10. 10. 10. 10. 10. 10. 10. 10. 10										
Applicant.	i I									
Case/Project No.	Ordinance No. Resolution No.	<u>10-107</u>	Council Action: <u>3/29/2010</u>							
Department: Finance/Purchasing	O F N									

#### Background/Discussion

On March 9, 2010 the Council Bluffs Parks, Recreation and Public Property Department received a quotation from Midwest Turf & Irrigation of Omaha, NE, the local authorized dealer for a Toro Reelmaster 5410-D mower of \$40,616.30, at a savings of \$11,322.70 off suggested retail price. Midwest Turf & Irrigation prepared the quote in accordance with a National Intergovernmental Purchasing Alliance contract.

National IPA pricing negotiated by the City of Tucson, AZ for a 5 year term from 10/15/2007 through 10/14/2010 provides a 21.8% discount off current year MSRP on traction units and 20.5% off accessories.

Pricing negotiated by the lowa DOT 5/17/2006 through 12/31/2010 provides a discount of 21% off current year MSRP.

Midwest Turf and Irrigation also offered a trade value of \$1000.00 on a 1999 John Deere mower, reducing the total cost of the equipment to \$39,616.30. I have included documentation from both National IPA and State of Iowa Department of Transportation Multiple Award Contracts (pages 1 & 11 of IDOT list attached; discount shown on page 11) showing discounts, as well as the quote Midwest Turf & Irrigation quote which also shows regular municipal pricing. Parks, Recreation and Public Property currently have ten (10) Toro mowers in the fleet today.

#### Recommendation

It is the recommendation of the Purchasing Division that the City accept this quotation and purchase this mower with accessories as the equipment to be traded is on the Fleet Maintenance list for replacement in 2010. This action is deemed to be in the best interests of the City.

Funds for this purchase will be covered by the Parks, Recreation and Public Property Department's capital equipment budget.

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Department and Applicant:	City Council: 3-29-10
Community Development Resolution No. <u>10-108</u>	
Case #CP-10-001	Planning Commission: 3-09-10

#### Subject

Amend the Future Land Use Map in the 1994 Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22<sup>nd</sup> Street to North 24<sup>th</sup> Street from Highway/General Commercial use to 1 & 2 Family Residential use.

#### **Background/Discussion**

On February 22, 2010, the City Council passed a resolution of necessity directing staff to initiate the process of creating the Nash Boulevard Urban Renewal Plan and Area. This is the location of a vacant and blighted former hotel and the adjacent vacant land.

Upon adoption of the Nash Boulevard Urban Renewal Plan (Case #URN-10-001), the City intends to invoke its urban renewal powers to facilitate private development for one and two family residential use. The future land use map in the 1994 Comprehensive Plan identifies the subject land and land extending directly west past North 25<sup>th</sup> Street for highway/general commercial use. The requested amendment extends only to North 24<sup>th</sup> Street. State law requires that future land use in the Comprehensive Plan be consistent with the goals of the proposed Urban Renewal Plan. In order to support the Nash Boulevard Urban Renewal Plan and Area, an amendment to the Comprehensive Plan is needed.

The subject property and the land to the west are zoned C-2 Commercial. R-1/Single Family Residential abuts on the east and south. Nash Boulevard and Interstate right-of-way lie to the north. Current zoning is shown on the attached Illustration 5 - Land Use and Zoning Map. Site redevelopment will require rezoning and further subdivision, subject to Planning Commission review and City Council action.

#### Recommendation

The Community Development Department recommends amending the future land use map in the 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22<sup>nd</sup> Street to North 24<sup>th</sup> Street from Highway/General Commercial use to 1 & 2 Family Residential use.

#### **Public Hearing**

Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.

#### Planning Commission Recommendation

The Planning Commission recommends amending the future land use map in the 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22<sup>nd</sup> Street to North 24<sup>th</sup> Street from Highway/General Commercial use to 1 & 2 Family Residential use.

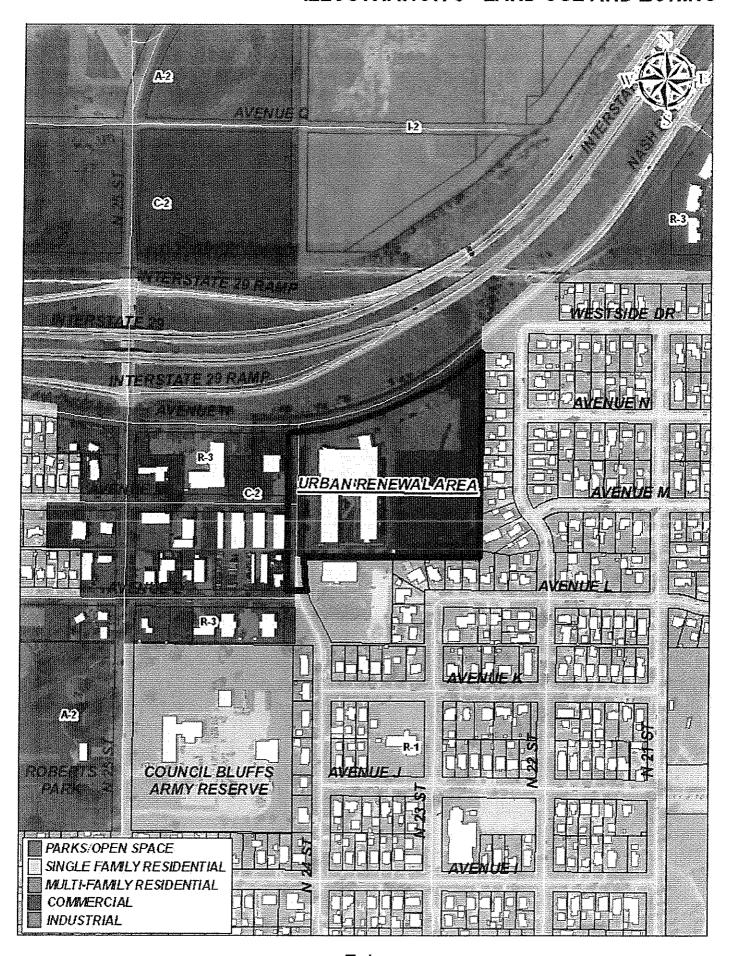
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachment: Illustration 5 – Land Use and Zoning Map

Prepared by: Gayle M. Malmquist, Development Services Coordinator

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#### ILLUSTRATION 5 - LAND USE AND ZONING



#### RESOLUTION NO. 10-108

A RESOLUTION TO AMEND THE FUTURE LAND USE MAP IN THE 1994 COMPREHENSIVE PLAN FOR THE AREA SOUTH OF INTERSTATE 29/AVENUE N (NASH BOULEVARD), FROM WEST OF NORTH 22<sup>nd</sup> STREET TO NORTH 24<sup>th</sup> STREET FROM HIGHWAY/GENERAL COMMERCIAL USE TO 1 AND 2 FAMILY RESIDENTIAL USE.

- WHEREAS, on February 22, 2010, the City Council passed a resolution of necessity directing staff to initiate the process of creating the Nash Boulevard Urban Renewal Plan and Area; and
- **WHEREAS**, upon adoption of the Nash Boulevard Urban Renewal Plan, the City intends to invoke its urban renewal powers to facilitate private development for one and two family residential use; and
- WHEREAS, the future land use map in the 1994 Comprehensive Plan identifies the subject land and land extending directly west past North 25<sup>th</sup> Street for highway/general commercial use. The requested amendment extends only to North 24<sup>th</sup> Street; and
- WHEREAS, state law requires that future land use in the Comprehensive Plan be consistent with the goals of the proposed Urban Renewal Plan. In order to support the Nash Boulevard Urban Renewal Plan and Area, an amendment to the Comprehensive Plan is needed; and
- whereas, the Planning Commission has reviewed the proposed amendment to the future land use map in the 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22<sup>nd</sup> Street to North 24<sup>th</sup> Street from Highway/General Commercial use to 1 and 2 Family Residential use, and recommends approval by the City Council.

#### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

That the future land use map in the 1994 Council Bluffs Comprehensive Plan for the area south of Interstate 29/Avenue N (Nash Boulevard), from west of North 22<sup>nd</sup> Street to North 24<sup>th</sup> Street is hereby amended from Highway/General Commercial use to 1 and 2 Family Residential use.

ADOPTED	aut uso.
APPROVED	March 29, 2010
THOMAS P. HANAFAN	Mayor
MARCIA L. WORDEN	City Clerk
	ADOPTED AND APPROVED  THOMAS P. HANAFAN

Department:		
Community Development	Resolution No. 10-109	City Council: 3/29/2010
Applicant:		
David Fitch		
94 Jennings Avenue		
Council Bluffs, IA 51503		

#### Subject/Title

Request for a temporary use permit to allow evening gospel meetings at 94 Jennings Avenue

#### **Background/Discussion**

The City Council adopted Chapter 15.02.110 *Temporary Use Permit*, effective October 27, 2008. The section makes provisions for the approval of certain types of temporary use permits. Requests for temporary use permits, which are not predefined, are subject to the review and approval by the City Council. The request at 94 Jennings Avenue is one such request.

The applicant has requested to have outdoor gospel meetings at his property located at 94 Jennings Avenue. He proposes to erect a 30' by 60' tent on the property. The application requests permission to conduct the meetings June 7, 2010 through July 31, 2010 from 7:30-8:30pm, Sunday through Friday. Fifty to seventy-five people are expected to attend. Portable sanitation facilities are proposed as well as outdoor lighting. Vehicles would enter from the west through a driveway from the portion of Slightham Avenue (not previously vacated) which abuts his property. The applicant has indicated he has a permit to install the driveway from Slightham Avenue. A general location map and a site plan are attached for your review.

#### Comments Received Departments/Utilities:

- 1. The applicant has addressed the comments received from the Fire Marshall's office.
- 2. The Health Department has provided guidance on the number of portable toilets recommended for the size and duration of the proposed event. The reference requires four portable toilets, each with a hand washing facility. The adopted Noise Ordinance will apply.
- 3. Parking will not be permitted in the Jennings Road, or Slightham Avenue right-of-way. Parking must be accommodated on the applicant's property from an appropriately designed and approved driveway.
- 4. MidAmerican Energy has no objection to the application.
- 5. A permit to install a culvert across the drainage way at the west end of Slightham Avenue has been issued. A driveway permit is also required.

### Comments were received from four property owners. A summary of the concerns expressed are below:

- 1. Time and duration of the event is too long and too late in the evening.
- 2. Concerns with liability of those who may trespass onto adjacent properties not owned by the applicant.
- 3. Placement of a driveway from Slightham Avenue and the resulting traffic. Impacts of installing a driveway at the location.

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Case #TU-10-001 Page 2

- 4. Disruption of daily activities to adjoining property owners.
- 5. Noise; during the summer months, it is reasonable to think windows will be open.

6. Location and maintenance of the portable toilets.

#### Recommendation

The Community Development Department recommends a temporary use permit be issued subject to the following minimum requirements:

- 1. No part of the issuance of the requested temporary use permit shall circumvent any other applicable Code or Law.
- 2. If the applicant is found to be in violation of any condition of approval or other applicable Code or Law the permit shall be immediately suspended.
- 3. The duration of the event shall be limited to not more than three consecutive calendar weeks. The applicant shall provide the requested dates pending approval.
- 4. The event shall be limited to one hour between 6:30pm and 7:30pm. All participants and vehicles shall vacate the site by 8:00pm.
- 5. The event shall be limited to 4 days per week and shall not include Saturdays. The applicant shall provide the requested days of the week pending approval.
- 6. The tent shall be placed not more than 7 days prior to the beginning date of the event and shall be removed within 7 days of the close of the event.
- 7. The applicant shall provide four portable toilets and hand washing stations and shall maintain them according to manufacture recommendations.
- 8. The applicant shall provide temporary lighting for safety related reasons as required.
- If at any time, the tent is enclosed on all sides the location becomes subject to compliance with Iowa Department of Public Health Smoking Regulations. Smoking would not be permitted inside the tent and a designated smoking area outside would be required.
- 10. Vehicles shall park on the applicant's property only, and not on any public right-of-way.
- 11. A temporary barrier/marking system shall be placed on the south property line in such a way as to clearly identify the applicant's property to prevent trespass onto adjoining properties.
- 12. Access from Slightham Avenue (from the west) is subject to all required driveway and right-of-way permit approvals.

**Attachments**: Location map

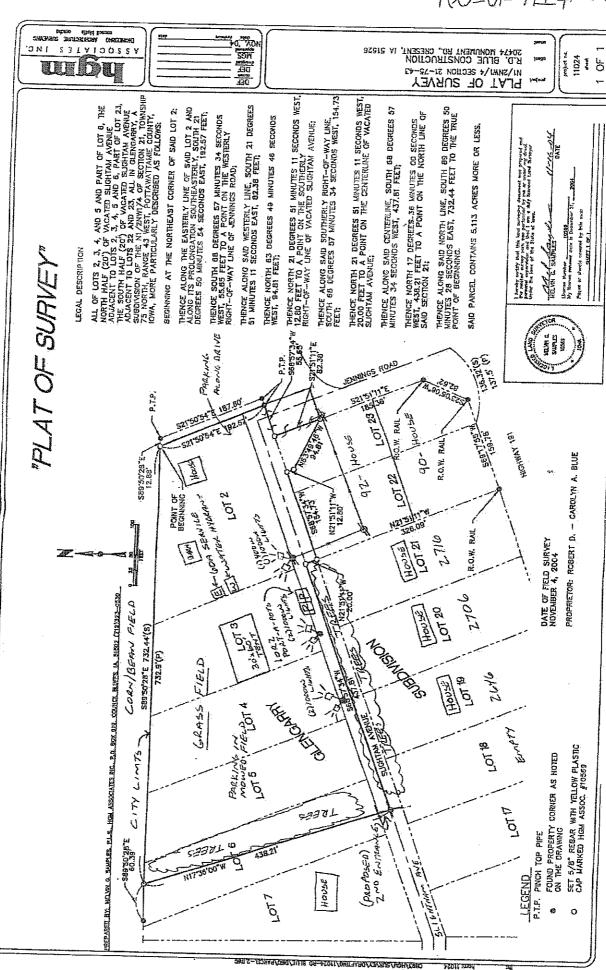
Site plan as submitted by the applicant

Submitted by: Rose E. Brown, Urban Planner, Community Development Department Approved by: Donald D. Gross, Director, Community Development Department

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100-01-71-4 7507



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#### RESOLUTION NO. 10-109

A RESOLUTION AUTHORIZING THE ISSUANCE OF A TEMPORARY USE PERMIT TO ALLOW OUTDOOR MEETINGS AT 94 JENNINGS AVENUE IN THE CITY OF COUNCIL BLUFFS.

- WHEREAS, the City has received an application for a temporary use permit to allow outdoor gospel meetings at 94 Jennings Avenue; and
- WHEREAS, the application is subject to Chapter 15.02.110 *Temporary Use Permit*, of the *Municipal Code*; and
- WHEREAS, the Community Development Department recommends approval of the temporary use permit subject to the following:
  - 1. No part of the issuance of the requested temporary use permit shall circumvent any other applicable Code or Law;
  - 2. If the applicant is found to be in violation of any condition of approval or other applicable Code or Law the permit shall be immediately suspended;
  - 3. The duration of the event shall be limited to not more than three consecutive calendar weeks. The applicant shall provide the requested dates pending approval;
  - 4. The event shall be limited to one hour between 6:30pm and 7:30pm. All participants and vehicles shall vacate the site by 8:00pm.
  - 5. The event shall be limited to 4 days per week and shall not include Saturdays. The applicant shall provide the requested days of the week pending approval;
  - 6. The tent shall be placed not more than 7 days prior to the beginning date of the event and shall be removed within 7 days of the close of the event;
  - 7. The applicant shall provide four portable toilets and hand washing stations and shall maintain them according to manufacture recommendations;
  - 8. The applicant shall provide temporary lighting for safety related reasons as required;
  - 9. If at any time the tent is enclosed on all sides the location becomes subject to compliance with Iowa Department of Public Health Smoking Regulations. Smoking would not be permitted inside the tent and a designated smoking area outside would be required.
  - 10. Vehicles shall park on the applicant's property only, and not on any public right-of-way;
  - 11. A temporary barrier/marking system shall be placed on the south property line in such a way as to clearly identify the applicant's property to prevent trespass onto adjoining properties;
  - 12. Access from Slightham Avenue (from the west) is subject to all required driveway and right-of-way permit approvals.

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#### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the City Council authorize the Mayor, or his designee, to issue a temporary use permit for 94 Jennings Avenue subject to the conditions set forth above.

ADOPTED

AND Approve	ED <u>Mar</u>	ch 29, 2010
	Thomas P. Hanafan,	Mayor
ATTEST:	Marcia L. Worden,	City Clerk